



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,194	12/20/2001	Manabu Kii	450100-03675	9663

20999 7590 07/12/2004

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
----------

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/027,194

Applicant(s)

KII ET AL.

Examiner

Alford W. Kindred

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 15-25 and 27-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communication: Election filed on 5/7/04.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nusbick et al., US# 6,119,113.

As per claims 1, 7, and 10, Nusbick et al. teaches “recording a unique identifier to each of a plurality of storage media issued” (see abstract) “a database for storing and managing the identifiers” (see col. 2, lines 64-67 and col. 3, lines 1-15) “reading the recorded identifier from any of said storage media” (see col. 8, lines 55-67) “said reading means against said identifiers managed in said database” (see col. 8, lines 45-67) “the storage medium identified by the checked identifier depending on a result of the check by said checking means” (see col. 4, lines 66-67 and col. 5, lines 1-22).

Art Unit: 2172

As per claim 2, Nusbicked teaches "said identifiers, right information which denotes services available to said storage media identified by said identifiers" (see col. 6, lines 21-46).

As per claims 3-4, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-2, and are similarly rejected.

As per claim 5, Nusbicked teaches "content data storing means for storing a plurality of content data items" (see col. 2, lines, 64-67 and col. 3, lines 1-14) "allows relevant content data to be downloaded from said content data" (see 3, lines 49-67, whereas Nusbicked's Web server and HTTP compatible product, clearly illustrate the ability to upload and download data in a fashion similar to applicant's claim language.

As per claim 6, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claims 7-8, these claims are rejected on the grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected.

As per claim 9, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Nusbicked teaches "Judging means for judging whether or not the corresponding right information indicates permission to download . . ." (see col. 4, lines 3-45, whereas the Nusbicked's web browser include the capacity to indicate whether information indicates permission to transfer in a manner claimed by the applicant).

Art Unit: 2172

As per claims, 11 and 12, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Nusbicked teaches "a management server . . . storing means . . ." (see col. 3, lines 49-65).

As per claims 13-14, Nusbicked teaches "update information creating means . . . updating authentication information stored . . ." (see col. 2, lines 2-17).

As per claims 26, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

### ***Response to Arguments***

4. Applicant's arguments/ Response to Restriction filed 5/17/04 have been fully considered but they are not persuasive.

--As per applicant's arguments that "Examiner did not mention, in his Office Action, the March 17<sup>th</sup> Telephone restriction requirement . . .". Examiner called applicant's attorney on March 17<sup>th</sup> and indicated that application #10/027,194 was being restricted and an election was required. Applicant's attorney did not elect any of the proposed groupings of claims and wanted me to send a written restriction requirement. Therefore an Office Action was mailed with a written restriction requirement for the record.

--As per applicant's arguments regarding "in the March 17<sup>th</sup> telephone restriction requirement, the Examiner grouped the claims as follows . . . It is respectfully requested that the Examiner revise his written restriction . . .".

Art Unit: 2172

Examiner maintains that the current restriction of record is the correct restriction requirement. The Independent claim language involving the use of a database is classified in a completely different area from the claims without the involvement of a database and therefore the restriction is maintained.

Art Unit: 2172

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US# 6,330,593 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100